

05/31/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13391

NAME AND ADDRESS: M EILENE UPHOFF
ASPEN WIND #322
4010 N COLLEGE DR
CHEYENNE WY 82001

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.050 CFS
15.000 AFY

Right Nos. 22-13391 and 22-13397 are limited to a total combined diversion rate of 0.08 cfs and to a total combined annual diversion volume of 27.35 AF.

PRIORITY DATE: 08/22/1977

POINT OF DIVERSION:

T05N R45E S1 NWNWSW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	0.050 CFS 15.00 AFY

The use of water for irrigation under this right may begin as early as April 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within TETON County

T05N R45E S02 NWSE 5.0

5 ACRES TOTAL

Right Nos. 22-13391 and 22-13397 are limited to the irrigation of a combined total of 5.0 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: License

This right is a split from former right 22-7255 .

The following rights are also diverted through point of diversion described above: 22-13390 through 22-13394 and 22-13396 through 22-13400.

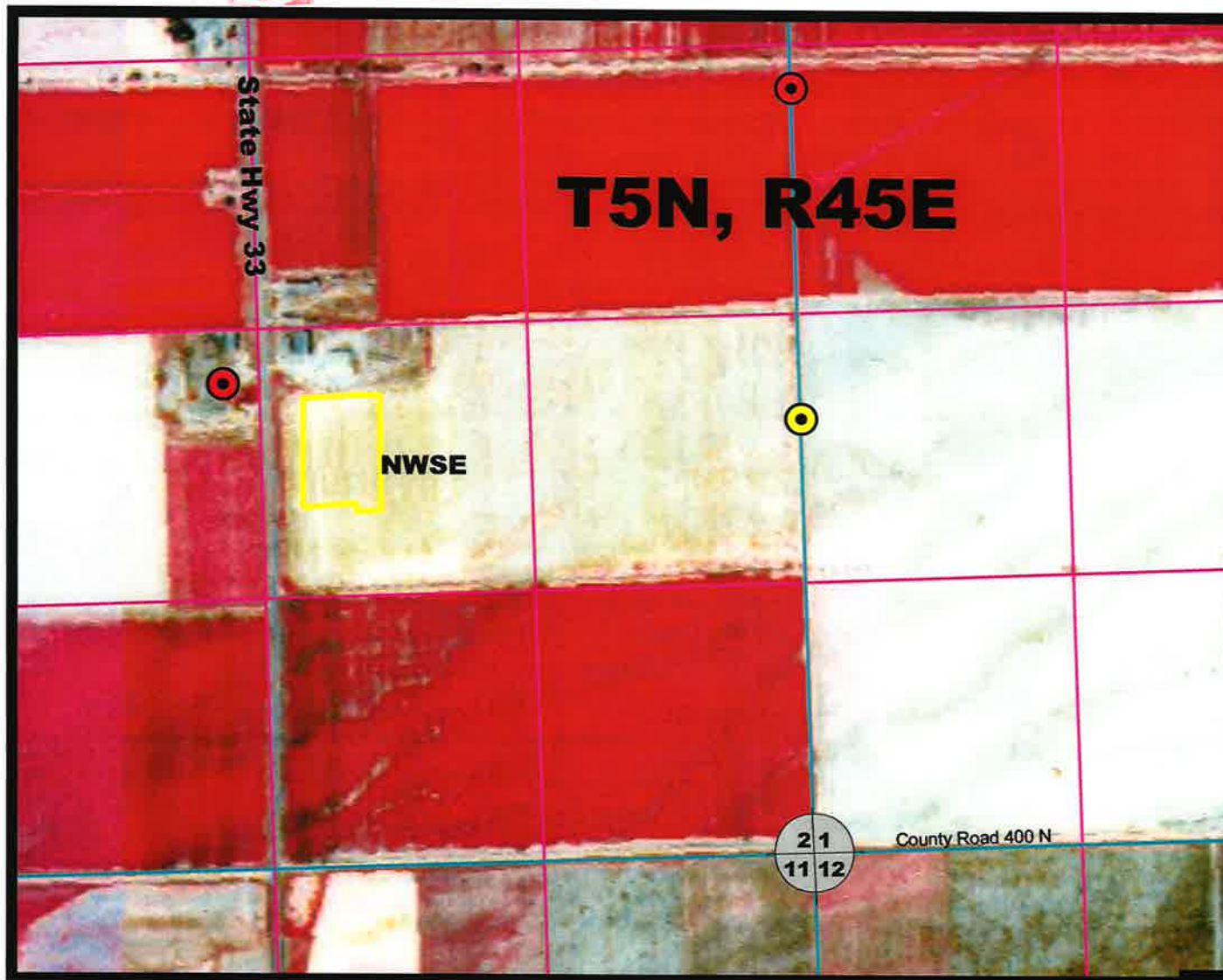
PROFILED



PROFIT

State of Idaho

Department of Water Resources
Eastern Region



Water Right(s):

22-13391,

22-13397

Point(s) of Diversion:

T5N, R45E Sec. 1 NWNWSW

Place of Use: (parts of)

T5N, R45E Sec. 2 SE

LEGEND



Point of Diversion



SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: May 2005

September 28, 2005

PETER ANDERSON
JEANNE ANDERSON
PO BOX 565
DRIGGS ID 83422

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 21-13391, 21-13397

Dear Claimant:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Katy Jackson
Office Specialist 1

Enclosure

ABR
OK
JC
9/28/05

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-13391				
	22-13397				

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

M. EILEEN WATKINS
(CHEYENNE, WYO.)

4. New Owner/Claimant(s)

PETER AND JEANNE ANDERSON
Name Connector (Check one): [] and, [] or, ☒ and/or

New Mailing Address

P.O. Box 565

City, State and ZIP Code

DRIBBS, ID 83422

New Telephone Number

(208) 456-2780

5. Date you acquired the property

June 23, 1994

*Completed
9/28/05
KWT*

RECEIVED

SEP 23 2005

Department of Water Resources
Eastern Region

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

Jane Anderson

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

116750

RECEIVED

INSTRUMENT No.

JUN 28 1994

QUITCLAIM DEED

TETON Co. Id.
Clerk Recorder

For Value Received, I, M. EILEEN UPHOFF, as Trustee of the M. EILEEN UPHOFF TRUST, do hereby convey, release, remise and forever quit claim unto Peter Anderson and Jean Marie Anderson, husband and wife, whose address is P.O. Box 565, Driggs, Idaho 83422 the following described premises, to-wit:

A portion of the NW 1/4 SE 1/4 Section 2, Twp. 5N., Rng. 45E., B.M., Teton County, Idaho, being further described as:

From the S 1/4 corner of said Section 2, N 89°54'38"E, 39.24 feet along the southern section line to the eastern right-of-way line of State Highway 33; thence N 00°44'14"W, 2362.72 feet along said right-of-way line; thence N 89°59'46"E, 200.00 feet; thence S 89°48'36"E, 395.72 feet to the true point of beginning; thence S 89°48'36"E, 375.52 feet to a point; thence S 00°07'53"W, 579.54 feet to a point; thence N 89°56'59"W, 375.52 feet to a point; thence N 00°07'53"E, 580.45 feet to the point of beginning.

Contains 5.00 acres more or less.

Together with a 60 foot road and utility easement being described as:

thence S 00°07'53"W, 36.84 feet to the point of beginning; thence S 00°44'14"E, 413.05 feet; thence N 89°56'59"W, 60.01 feet; thence N 00°44'14"W, 472.96 feet; thence N 89°59'46"E, 587.46 feet; thence S 00°07'53"W, 36.84 feet to the point of beginning.

together with their appurtenances.

Dated: June 23, 1994

M. EILEEN UPHOFF TRUST

By: *M. Eileen Uphoff*

Trustee

116750

STATE OF WYOMING, COUNTY OF LARAMIE, ss. On this 23 day of June, 1994, before me personally appeared M. EILEEN UPHOFF, known to me to be the person whose name is subscribed to the foregoing instrument as Trustee of the M. EILEEN UPHOFF TRUST and acknowledged to me that she executed the same as such Trustee. <i>[Signature]</i> Notary Public Residing at 721 E. 16th St., Cheyenne, WY 82001 Comm. Expires 11-23-95 BENEDICT D. TREHWEILER COUNTY OF LARAMIE NOTARY PUBLIC STATE OF WYOMING MY COMMISSION EXPIRES NOVEMBER 18, 1995	STATE OF IDAHO, COUNTY OF I hereby certify that this instrument was filed for record at the request of B D Truettweiler at 27 minutes past 5 o'clock PM, this 28 day of June 1994, in my office, and duly recorded in Book of Deeds at page <i>[Signature]</i> Ex-Officio Recorder By <i>[Signature]</i> Deputy. Fees \$ Mail to:
--	---

Filed
Indexed
Platted

116750

128296

QUITCLAIM DEED

RECEIVED

SEP 25 1997

TETON CO. ID
CLERK/RECORD

For Value Received

"JEAN MARIE ANDERSON"

do hereby convey, release, remise and forever quit claim unto

JEANNE UPHOFF ANDERSON

whose current address is

BOX 535
DRIEGGS, ID

the following described premises, to-wit:

A portion of NW 1/4 SE 1/4
Sec 2 T5N R45 E8M.

This quitclaim corrects the
mis-spelling of my first name and
replaces my middle name with ~~my~~ my
maiden name (as I customarily use it
on my driver's license, checks, passport, etc.)

together with their appurtenances.

Dated: 9/25/97

Jeanne Anderson

STATE OF IDAHO, COUNTY OF TETON

On this 25 day of Sept, 1997,
before me, a notary public in and for said State, personally
appeared Jeanne UpHoff Anderson

known to me to be the person who
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Nora Rigby

Residing at Driggs
Comm. Expires 3/31/2001



128296

FILED

AT THE REQUEST OF

Jeanne Anderson
AT 30 MINUTES PAST 12 PM
DATE Sept. 25, 1997
BY Nora Rigby
CLERK OF RECORD
DEPUTY

WATER RIGHT SPLIT HISTORY
OF SRBA CLAIM 22-7255

22-13390 COMM INVEST CORP.

1.36 cfs ON 134⁵ AC @ 403⁵ AF
W/SPLIT FROM 22-2267A

22-13391 M.E. Uphoff

0.05 cfs ON 5⁰ AC @ 15 AF
W/SPLIT FROM 22-2267A

22-13392 J. Uphoff

0.04 cfs ON 4⁰ AC @ 12 AF
W/SPLIT FROM 22-2267A

22-13393 M.J. Uphoff

0.05 cfs ON 4⁵ AC @ 13⁵ AF
W/SPLIT FROM 22-2267A

22-13394 P. ANDERSON

0.05 cfs ON 5⁰ AC @ 15 AF
W/SPLIT FROM 22-2267A

22-7255A COMM INVEST CORP.

1.55 cfs ON 153 AC @ 459 AF
COMBINED USE WITH 22-2267A

22-13389
22-7255B TETON WEST IRRIG CO.
4.28 cfs ON 421⁰ AC 1475⁵ AF
COMBINED USE W/ 22-2267B.
PPH OTHER G.W./S.W. RIGHTS.

SPLIT BY TX #4750
01/14/97

COMM. INVEST CORP.
22-7255
5.83 cfs ON 574 AC

PROFIT

SCANNED
JUN 17 2005

5/4/05
C/O Letter SENT
TO NEW IDA LTD PARTS

T5N, R45E

State Hwy 33

TROUTS T.V. RANCH HO ASSOC

ANDERSON, PETER

UPHOFF, M EILEEN TRUST

5.24ac

UPHOFF, MARY JOAN

4.15ac

4.61ac

UPHOFF, JUDITH

NEW IDA LIMITED PARTNERSHIP

GREENE, KEVIN C

NEW IDA LIMITED PARTNERSHIP

ANDERSON, KAREN L

County Road 400 N

2 1
11 12

Teton West Corp. well #21
7/12/2004 12:23:43 PM; ABR, CF
CP3 TAG # A0013698

JUN 17 2005

SCANNED

PROFIT

TAG

22



1 April 2004

**EILEEN UPHOFF
301 E 21ST ST APT 102
CHEYENNE WY 82001**

**JUDY UPHOFF
2034 CONCHA LOOP
CHEYENNE WY 82009**

**MARY J UPHOFF
PO BOX 26
BINGEN WA 98605**

**PETER ANDERSON
PO BOX 565
DRIGGS ID 83422**

RE: Splitting of SRBA Claims 22-7255A AND 22-2267A

Dear Property Owners:

I have recently received documentation from Brooke Saindon, American Reality West, Inc., that attempts to split the above referenced water rights among you, the new property owners. Upon examination of the documentation presented I find the wrong form has been used. I am enclosing Notice of Change Water Right Ownership forms, one per each, to accomplish this effort. Please sign as tagged and return your completed form to me by April 20. Do not attach any other information as I have the deed and map copies as provided by Ms Saindon.

Thank you for your attention in this matter. If you have questions or concerns please feel free to contact me.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent

Cc: File
Enclosure: Notice of Change of Water Right Ownership form

PROTECTED

SCANNED

JUN 21 2005

Associate Broker
Brooke Saindon



February 26, 2004

Mr. Allan Ruberry
Department of Water Resources
900 North Skyline, Suite A
Idaho Falls, ID 83402

RECEIVED
MAR 01 2004
Department of Water Resources
Eastern Region

Dear Allan,

Enclosed is the information on the property we discussed on the phone yesterday. I completed as much of the application as I could.

It is my understanding that you will complete the application, mail it to the 4 individuals for their signature and they will return it with the application fee.

If you have any questions or need additional information, feel free to give me a call. I will be out of the office Friday – Monday, but you can talk to Andrea, my assistant, in my absence.

Thanks for your cooperation.

Sincerely,


Brooke Saindon
Associate Broker



Re: 22-7255A
22-2267A

SCANNED

MAR 24 2005

PROFIT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-13391
Date Received: 5/25/2005
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

M EILENE UPHOFF Phone:
ASPEN WIND #322
4010 N COLLEGE DR
CHEYENNE WY USA 82001

2. Date of Priority: 08/22/1977

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	45E	1	NW NW SW	TETON	

5. Description of diverting works:

WELL TO COMMON MAINLINE/SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.05	

7. Total Quantity Appropriated is:
0.05 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	45E	2	NW SE	IRRIGATION	5
				Section Acres	5
				Total Acres	5

11. Place of use in counties: TETON

SCANNED
JUN 17 2005

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 22-7255 .

PAID UNDER RECEIPT NO. E002882.

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20_____

Notary Public

Residing at _____

My commission Expires _____

PROFILED